

CITY OF SEATTLE
ORDINANCE
COUNCIL BILL 117808

AN ORDINANCE relating to Campaign finance regulations, repealing sections 2.04.400, 2.04.410, 2.04.420, 2.04.430, 2.04.440, 2.04.450, 2.04.460, and 2.04.470 of the Seattle Municipal Code relating to public financing of political campaigns, all of which were rendered void by state law.

WHEREAS, the City of Seattle established a system for partial public financing for election campaigns in 1978; and

WHEREAS, the Fair Campaign Practices Act enacted following the passage of Initiative 134 in 1992 prohibited the use of public funds to finance state and local political campaigns; and

WHEREAS, in 2008 state law was amended to allow for local public financing of political campaigns if the program is approved by the voters;

WHEREAS, the Council is contemplating putting a new public financing program before the voters and removing the obsolete provisions from the code is a necessary first step,
NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. Sections 2.04.400, 2.04.410, 2.04.420, 2.04.450, 2.04.460 and 2.04.470 of the Seattle Municipal Code, last amended by Ordinance 112005 and that currently reads as follows, are repealed:

((SMC 2.04.400

Findings of fact—Program for public matching funds.

The City finds it is in the public interest to encourage the widest participation of the public in the electoral process, to reduce the dependence of candidates on large contributions, and to increase public knowledge of the candidates and of election issues. The City finds that voluntary campaign expenditure limitations coupled with provisions of public funds for

1 campaign purposes are necessary to further these public interests at a reasonable cost to the City
2 and that such a program should be established.

3 SMC 2.04.410

4 Campaign contract.

5 ~~A. Effective with elections for City officers in 1987, a candidate for Mayor, City Council~~
6 ~~or City Attorney may sign a contract with the City agreeing to abide by limitations on candidates'~~
7 ~~contributions, limitations on campaign expenditures, and limitations on the use of all~~
8 ~~contributions as specified in this chapter in exchange for public matching funds. B. The~~
9 ~~campaign contract must be signed by the individual candidate either within thirty (30) days after~~
10 ~~the individual becomes a candidate as defined in RCW 42.17.020, or at the time of filing for said~~
11 ~~office, whichever is earlier.~~

12 SMC 2.04.420

13 Candidates' contribution limitations.

14 ~~— A candidate who signs a campaign contract shall make no contribution to his/her own~~
15 ~~campaign or political committee which in the aggregate exceeds three (3) percent of the~~
16 ~~applicable expenditure limit in any campaign year.~~

17 ~~— SMC 2.04.450~~

18 Public matching funds — Specifications.

19 ~~A. Effective with elections for City offices in 1987 a candidate who has met the~~
20 ~~eligibility requirements for public matching funds and who has signed a campaign contract shall~~
21 ~~be entitled to receive One Dollar (\$1) in public matching funds for every One Dollar (\$1) from~~
22 ~~any individual during the year preceding the date of the applicable general election to a~~
23 ~~maximum public match of Fifty Dollars (\$50) per individual contributor. Neither loans nor the~~
24 ~~transfers of anything of value other than money to the candidate or his/her political committee~~
25 ~~shall be matched with public funds. B. A candidate who signs a campaign contract is eligible to~~

1 receive public matching funds until it is determined that such candidate has no opponent at the
2 close of the filing period or after the primary election as provided by law. For purposes of this
3 section, a write-in candidate shall not be considered an opponent. C. If following the election
4 wherein the candidate is elected or defeated, the candidate has unexpended campaign funds, one-
5 half (1/2) of such surplus shall be returned to the appropriate City account within ten (10) days
6 of certification of the election. D. A candidate who has signed a campaign contract may void
7 his/her contract within fifteen (15) days after the close of filing; provided, an opponent of that
8 candidate does not enter into a campaign contract pursuant to this chapter and provided further,
9 that the candidate returns all public funds received pursuant to this chapter.

10 SMC 2.04.460

11 Payment of matching funds.

12 A. There is hereby established in the City Treasury a campaign matching fund account
13 into which shall be deposited whatever sums the City may receive or allocate from time to time
14 or during the annual budget process for campaign matching purposes. B. Candidates entitled to
15 public matching funds shall be paid upon the voucher of the Administrator. (Ord. 112005 §
16 2(part), 1984.)

17 SMC 2.04.470

18 Permitted uses of public matching funds.

19 Public matching funds may be expended only for the receiving candidate's direct
20 campaign purposes such as, but not limited to, purchasing campaign literature or media space or
21 time, mailings, renting campaign headquarters, or paying for campaign headquarters telephones.
22 A candidate who signs a campaign contract may use neither contributions nor matching funds for
23 indirect campaign purposes such as, but not limited to, providing a candidate's personal support,
24 or for donation to another's campaign. Permissibility of an expenditure of public matching funds
25 shall be determined by the Office of Election Administration.))

Section 2. Sections 2.04.430 and 2.04.440 of the Seattle Municipal Code, last amended by Ordinance 116368 and that currently reads as follows, are repealed:

((SMC 2.04.430

~~Expenditure limitations.~~

~~A. A candidate who signs a campaign contract in accordance with Section 2.04.410, shall not, during the campaign year, make expenditures exceeding the aggregate amount of Two Hundred Fifty Thousand Dollars (\$250,000) for the office of Mayor or One Hundred Ten Thousand Dollars (\$110,000) for the offices of City Councilmember or City Attorney. Provided, that no more than seventy-five (75) percent of the applicable expenditure limitation shall be expended through the day of the primary election. B. Independent expenditures, as defined in this chapter, shall not be included in the computation of a candidate's expenditures.~~

SMC 2.04.440

~~Eligibility for public matching funds.~~

~~A. To be eligible to receive public matching funds, a candidate for Mayor, City Council or City Attorney must meet the requirements of the City Charter 1 and during the campaign year:~~
~~1. For the office of Mayor receive three hundred (300) contributions of Ten Dollars (\$10) or more; 2. For the offices of City Council or City Attorney receive two hundred (200) contributions of Ten Dollars (\$10) or more. B. For the purposes of establishing eligibility under this section, only those contributions received from residents of the City shall be counted toward the requirement. C. Candidates must submit evidence of meeting the eligibility requirements of this section to the Office of Election Administration for verification. Upon verification of eligibility, a candidate who has signed a campaign contract shall be eligible to receive public matching funds; provided that no such funds shall be disbursed to any qualified candidate prior to January 1st of the campaign year in which the election is held; and provided further, that any candidate who received public matching funds and later fails to file for public office or~~

~~withdraws his/her candidacy after filing, shall return to the appropriate City account an amount equal to the public funds disbursed to that candidate.))~~

Section 3. This ordinance shall take effect and be in force 30 days after its approval by the Mayor, but if not approved and returned by the Mayor within ten days after presentation, it shall take effect as provided by Seattle Municipal Code Section 1.04.020.

Passed by the City Council the ____ day of _____, 2013, and signed by me in open session in authentication of its passage this ____ day of _____, 2013.

President _____ of the City Council

Approved by me this ____ day of _____, 2013.

Michael McGinn, Mayor

Filed by me this ____ day of _____, 2013.

Monica Martinez Simmons, City Clerk

(Seal)

FISCAL NOTE FOR NON-CAPITAL PROJECTS

Department:	Contact Person/Phone:	CBO Analyst/Phone:
LAW	Jeff Slayton/3-2154	n/a

Legislation Title:

AN ORDINANCE relating to Campaign finance regulations, repealing sections 2.04.400, 2.04.410, 2.04.420, 2.04.430, 2.04.440, 2.04.450, 2.04.460, and 2.04.470 of the Seattle Municipal Code relating to public financing of political campaigns, all of which were rendered void by state law.

Summary of the Legislation:

This legislation repeals sections of the SMC that were rendered void by state law.

Background:

Please check one of the following:

X This legislation does not have any financial implications.

(Please skip to "Other Implications" section at the end of the document and answer questions a-h. Earlier sections that are left blank should be deleted. Please delete the instructions provided in parentheses at the end of each question.)

This legislation has financial implications.

(If the legislation has direct fiscal impacts (e.g., appropriations, revenue, positions), fill out the relevant sections below. If the financial implications are indirect or longer-term, describe them in narrative in the "Other Implications" Section. Please delete the instructions provided in parentheses at the end of each title and question.)